

rons, Regiments, &c. respectively belong. If a call should be made upon the State for Volunteers, there is no provision by which the Officers could be appointed.

Since the close of the last session of the General Assembly, a treaty has been concluded with the Cherokee Indians, by which, their title to the territory now in their occupancy, has been extinguished. A part of which territory, is the domain and property of this State. A copy of the treaty (marked B.) accompanies this communication.

The Congress of the United States, at its last session, passed an act, entitled "an act to regulate the deposits of the public money," which was approved by the President of the United States, June 25d, 1836. This act stipulates that a portion of the treasure of the United States shall be deposited with the States. Congress certainly possesses the power to provide for the safe keeping of the public money; and as the language and the title of the act only provide for such purpose, it is constitutional. But if it is the intention of the act, as it is avowed to be, by some of those most active in procuring its enactment, to distribute gratuitously, the money, it would be unconstitutional, there being no power given to Congress, to make donations of the Funds of the Federal Government; or otherwise to dispose of them, than to carry into execution some other power granted. It would be uncharitable in us to suppose that Congress, under pretence of executing a Constitutional power, intended a direct violation of the instrument to which it owes its existence. We must, therefore, consider the act as being what it purports to be. The 15th Section of the act requires the Secretary of the Treasury Department, at the times therein mentioned, to deposite with the States, the money of the Federal Government, the faith of the States being pledged for its return. The General Assembly will have to determine whether the deposite will be received; and if received, appoint some person to receive it, and provide for its safe keeping. If you receive it, it would be your duty, in order to perform what integrity and prudence require, to make such disposition of it, as would enable the State to return it whenever demanded. The investment of the money, upon unquestionable security,